

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ANTHONY TRUPIA,

Plaintiff,

v.

HERITAGE HARD ASSETS LLC, *et al.*,

Defendants.

Case No. CIV-24-498-SLP

**DEFENDANT TELNYX, LLC’S RESPONSE TO
PLAINTIFF’S MOTION FOR EXTENSION OF TIME TO REPLY**

In docket no. 70, Plaintiff moved for an extension of time to “reply” to four different pleadings. To the extent Plaintiff is entitled to file a responsive brief, whether titled as a “Response” or “Reply,” Telnyx does not oppose Plaintiff’s request for an extension of time occasioned by Plaintiff’s illness. Telnyx does oppose supplemental briefing that is not permitted without leave of Court under Local Civil Rule 7.1(i).

Telnyx offers this Response in an effort to clarify what is currently pending before the Court. Telnyx filed its Motion to Dismiss on June 27, 2024 [DKT 59]. Several other defendants also filed their Motions to Dismiss on or around the same day [DKT 58 (Onvoy), 60 (Heritage Hard Assets et al.)]. Another Defendant, HLV Ventures, filed an earlier Motion to Dismiss on May 22, 2024 [DKT 20].

Plaintiff filed his “Opposition to All Motions to Dismiss” on July 1, 2024 [DKT 61]. Under this Court’s Local Civil Rule 7.1(i), Defendants could file reply briefs in support of their Motions to Dismiss and responding to Plaintiff’s Response Brief. Telnyx chose not to file a reply because: (i) “Reply briefs are optional and not encouraged” under LCvR

7.(i); and (2) Plaintiff's response brief did not raise any legitimate grounds for opposing dismissal. Several other Defendants chose to file replies [DKT 66 (HLV), DKT 68 (Onvoy)].

In the interim, Plaintiff filed a second response brief specifically titled "Plaintiff's Opposition to Onvoy's Motion to Dismiss." [DKT 67] To that second response, co-defendant Onvoy filed a second Reply. [DKT 72].

Procedurally, Telnyx respectfully submits that briefing closed on its Motion to Dismiss [DKT 59] when the reply deadline ran on Plaintiff's "Response to All Motions to Dismiss" [DKT 61]. The same may be true with respect to the Motion to Dismiss by Heritage Hard Assets et al. [DKT 60]. Briefing also is closed as to the Motions to Dismiss by HLV Ventures [DKT 66] and Onvoy [DKT 68]. Thus, to the extent Plaintiff's Motion of Extension of Time is theoretically or impliedly seeking leave to file supplemental briefing, Telnyx opposes such a request. The legal issues have been fully briefed. Telnyx's Motion is ripe for decision.

Dated: June 17, 2024

Respectfully submitted,

/s/ Brooks A. Richardson

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CERTIFICATE OF SERVICE

I hereby certify that on July 17, 2024, I electronically transmitted the attached document to the Clerk of Court using the Electronic Case Filing System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to those registered participants on the ECF System.

I hereby certify that on July 17, 2024, I electronically transmitted the attached document to the Clerk of Court using the Electronic Case Filing System for filing and also served it on the following via First-Class United States Mail:

Anthony Trupia
605 SE 21st St.
Oklahoma City, OK 73129

/s/ Brooks A. Richardson